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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional) 2303-11-3

In re Application of: Murphy et al

Application No. 09/083,793

Filed: May 22, 1998

For: Production of Attenuated Parainfluenza Virus Vaccines From Cloned Nucleotide Sequences

in and the state of the state o The owner*, National Institutes of Health of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Numbers 09/458.813 filed on December 10, 1999; 09/459,082 filed on December 10, 1999; 09/424.628 filed on April 5, 2000; and 09/586,479 filed on June 1, 2000 of any patent on these applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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Check either box 1 or 2 below, if appropriate. 1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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July 21, 2003 Date

Signature

Jeffrey J. King

Typed or printed name

425/455-5575

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

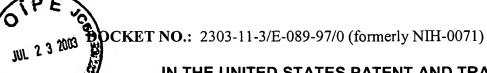
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Brian R. Murphy et al.

Serial No.: 09/083,793

Filing Date: May 22, 1998

Nucleotide Sequences

Group Art Unit: 1648

Examiner: S. Brown

RECEIVEL TOUGHO For: Production of Attenuated Parainfluenza Virus Vaccines From Cloned

TRANSMITTAL LETTER

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I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of July, 2003.

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TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

An amendment in the above-identified application.

No additional fee is required.

Petition for 2 Month Extension with Check No. 20719 for \$410.00

Terminal Disclaimer with Check No. 20720 for \$110.00

Please charge any deficiency fees or credit overpayment to Deposit Account No. 07-1897.

Respectfully submitted,

JACKSON HALEY LLP

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